UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND (PROVIDENCE)

ALBERT L. GRAY, Administrator of the Estate of Derek J. Gray, and on behalf of JANI L. GRAY-MCGILL,	8 8	
minor child of the decedent, Derek J.	8	Civil Action No. 04-CV-312-L
Gray, et al.,	8	Civil Action No. 04-C v-512-L
Plaintiffs,	9 9	
v.	§	Judge: Ronald R. Lagueux
	§	_
JEFFREY DERDERIAN, et al.,	8	
, , ,	δ	
Defendants.	§	Oral Argument Requested

LIN TELEVISION CORPORATION D/B/A WPRI-TV'S PARTIAL MOTION TO DISMISS

TO THE HONORABLE COURT:

LIN TELEVISION CORPORATION d/b/a WPRI-TV¹ (hereinafter "WPRI" or "Defendant") files this motion to dismiss a part of the Plaintiffs' claims pursuant to Rule 12(b)(6) F.R.C.P. and Rule 12(a)(1) of the Local Rules of The United States District Court For the District of Rhode Island as follows:

I. INTRODUCTION

WPRI has been sued for negligence as a result of the alleged actions of two of its employees on the night of the fire. The first employee is Defendant Jeffrey Derderian (hereinafter "The Reporter" or "Derderian") who was, as of February 20, 2003, a reporter for WPRI. The second employee is Defendant Brian Butler (hereinafter "The Cameraman" or "Butler") who was, as of February 20, 2003, a cameraman for WPRI. This motion seeks dismissal only as to the negligence claim against WPRI derived from the actions of the Reporter and not the Cameraman.

¹ For purposes of this motion, we assume that LIN Television Corporation owns WPRI. In fact, a different corporation, TVL Broadcasting, Inc., is WPRI's owner.

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minor child of the decedent, Derek J.	§	
Gray, et al.,	§	Civil Action No. 04-CV-312-L
	§	
Plaintiffs,	§	
	§	
v.	§	Judge: Ronald R. Lagueux
	§	-
JEFFREY DERDERIAN, et al.,	§	
, ,	§	
Defendants.	§	

LIN TELEVISION CORPORATION D/B/A WPRI-TV'S MEMORANDUM OF LAW IN SUPPORT OF ITS PARTIAL MOTION TO DISMISS

TO THE HONORABLE COURT:

LIN TELEVISION CORPORATION d/b/a WPRI-TV¹ (hereinafter WPRI or Defendant) files this memorandum of law in support of its motion to dismiss a part of the Plaintiffs' claims pursuant to Rule 12(b)(6) F.R.C.P. and Rule 12(a)(1) of the Local Rules of The United States District Court For the District of Rhode Island as follows:

I. INTRODUCTION

This case is brought by two hundred twenty-six Plaintiffs against forty-six named Defendants seeking "monetary damages from those individuals and entities responsible for the conditions and actions which resulted in a fire at The Station nightclub in West Warwick, Rhode Island on February 20, 2003, which claimed 100 lives and caused injury to several hundred individuals." Master Complaint (hereinafter "Compl."), Introduction at p. 17.

¹ For purposes of this motion, we assume that LIN Television Corporation owns WPRI. In fact, a different corporation, TVL Broadcasting, Inc., is WPRI's owner.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND (PROVIDENCE)

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the Estate of Derek J. Gray, and on	§	
behalf of JANI L. GRAY-MCGILL,	§	
minor child of the decedent, Derek J.	§	
Gray, et al.,	§	Civil Action No. 04-CV-312-L
	§	
Plaintiffs,	§	
	§	
v.	§	Judge: Ronald R. Lagueux
	§	
JEFFREY DERDERIAN, et al.,	§	
	§	
Defendants.	§	

LIN TELEVISION CORPORATION D/B/A WPRI-TV'S CERTIFICATE OF SERVICE

This is to certify that on this 27th day of August, 2004, a true and correct copy of the corrected first page of LIN Television Corporation d/b/a WPRI-TV's Partial Motion to Dismiss, and the corrected first page of LIN Television Corporation d/b/a WPRI-TV's Memorandum of Law in Support of Its Partial Motion to Dismiss, were served on all counsel of record, as listed below. The attached letter, along with this Certificate of Service, was served on all counsel on this date by United States mail, postage prepaid.

Defendant LIN TELEVISION CORPORATION d/b/a WPRI-TV, by its Attorneys,

Richard W. Moeddons / Dm Richard W. MacAdams, #1681 MacADAMS & WIECK INC. 101 Dyer Street, Suite 400 Providence, RI 02903 (401) 454-8700 - Telephone (401) 454-8755 - Fax DATED: Apply 27 2014

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August 27, 2004

TO: ALL COUNSEL OF RECORD

Re: Gray, et al. v. Derderian, et al., U.S. District Court for the District of Rhode Island, Civil Action No. 04-CV-312L

Dear Counsel:

Enclosed is a substituted first page of LIN Television Corporation d/b/a WPRI-TV's Partial Motion to Dismiss, and LIN Television Corporation d/b/a WPRI-TV's Memorandum of Law in Support of Its Partial Motion to Dismiss. LIN Television Corporation was inadvertently omitted from the title on these documents and the Court has permitted us to substitute the corrected page. The motion and memorandum are otherwise unchanged.

Sincerely,

Charles L. Babcock

CLB:abs Enclosures

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